Justifications and characteristics of entities competent to resolve labor and social security disputes.

1. What legal and/or judicial entities or authorities in your country have jurisdiction over labor and social security disputes?

Answer:
In Republic of Croatia disputes and other legal affairs on labor relationships and social security relationships are heard and decided by general courts in civil procedures. The courts also review legality of decisions made by public administration authorities and legality of decisions, measures or other impacts of public power authorities in cases as defined by law.

2. a) If your country has labor and social security courts, are they separated or part of the general judicial system?
b) If your country has no labor and social security courts as part of the general judicial system, what, if any, means exist for resolving labor and social security disputes?

Answer:
Disputes and other legal affairs on labor relationships and social security relationships are heard and decided by courts in civil procedures and by administrative courts. Jurisdiction of Administrative court in the labor matter is dispute between civil servant and the state. Administrative court is only first instance court, but before bringing case to the Administrative court two instance proceeding has to be done through special "Civil servant tribunals".

3. If your country has a system of labor and social security courts, what are the structural characteristics of that system? What are the advantages and disadvantages in your country’s systems for resolving the disputes? (For example: does each judge sit alone? Are lay judges in place as decision makers; …and so on..(Elaborate but do not limit your response to the above examples.)

Answer:
In Croatia there are no specialized courts for labor and/or social security matters. General courts in civil procedures hear and decide all types of disputes between employees and employers based on contractual and other relationships. In first instance (Municipal Courts) a single judge makes a decision, in appeal procedures at the County Courts decisions are made by senates comprising of three judges.
At second instance court proceedings are final. Case can be brought to the third instance court-Supreme Court only if the case was dealing with employee right to work (if he or she is fired unlawfully).
4. a) Are there any movements in your country to modify your country’s system for resolution in labor and social security disputes?
   b) If no resolution system exists in your country, do you think it is necessary to create and develop one?
   c) Is there any need to modify your current system for resolution in labor and social security disputes?

Answer:

No.

Some discussions are between judiciary and Unions about need to establish specialized labor courts but in same time there are discussions and recommendations of EU to decry number of courts so the result of these discussions is now too far to predict.

The mediation in labor cases is necessary and in last year number of cases which are solved in this way is increasing, especially in those cases where all members of Union bring a case before court against big companies or the state.

All judges of general jurisdiction court are in favor of idea to establish specialized labor courts.

Association of Croatian judges
Duro Sessa
vicepresident of Association